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JAN 14 2005

OFFICE OF PETITIONS

In re Application of :
Banik, Boulais, Couvillon, Chin, :
Anderson, Macnamara, Fantone, : DECISION ACCORDING STATUS
Braunstein, Orband, Saber, Hunter, : UNDER 37 CFR 1.47(a)
Coppola, Kirouac, Clark, Weisman, :
Mason, Mehta, and Greaves :
Application No. 10/811,781 :
Filed: 29 March, 2004 :
Atty Docket No. BSEN122032 :

This is in response to the petition filed under 37 CFR 1.47(a) on 13 December, 2004.

The petition is **GRANTED**.

The above-identified application was filed on 29 March, 2004, without an executed oath or declaration. Accordingly, on 8 June, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring the statutory basic filing fee, additional claim fee(s), an executed oath or declaration and a surcharge for their late filing. A two (2) month period for reply was set.

Accordingly, on 13 December, 2004 (certificate of mailing date 8 December, 2004), petitioners filed a four month extension of time, accompanied by the present petition, fee, statutory basic filing fee, additional claim fees, surcharge, and an executed declaration naming Michael S. Banik, Dennis R. Boulais, Lucien Alfred Couvillon, Albert C.C. Chin, Frank J. Anderson, Stephen D. Fantone, Daniel J. Braunstein, Daniel G. Orband, Michael P. Saber, Ian W. Hunter, Patsy Anthony Coppola, Andrew Peter Kirouac, Richard Joseph Clark, Richard M. Weisman, Timothy James Mason, Neil Rasik Mehta, and Anna Elona Rathore Greaves as joint inventors and signed by all joint inventors except Clark on behalf of themselves and joint inventor Clark.

Petitioners have shown that the non-signing inventor, Richard Joseph Clark, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have established that a copy of the application was sent to the non-signing inventor. However, the non-signing inventor failed to return an executed declaration listing him as a joint inventor along with the above-named joint inventors.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be referred to Technology Center Art Unit 3739 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions